

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Victor Manuel ROJAS-Roque,

Defendant(s)

Magistrate Case No.

2007 SEP 28 AM 9:44

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326 DEPUTY

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **September 26, 2007** within the Southern District of California, defendant, **Victor Manuel ROJAS-Roque**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF SEPTEMBER,
2007Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Victor Manuel ROJAS-Roque****PROBABLE CAUSE STATEMENT**

On September 26, 2007, Border Patrol Agent J. Liebe was performing his assigned duties as a Border Patrol Agent in the Imperial Beach Border Patrol Station's area of operations near an area known as the Horse Trail. This area is approximately five miles west of the San Ysidro, California Port of Entry and one-half mile north of the United States/Mexico international border.

At approximately 7:50 p.m., Agent Liebe was advised by night vision scope operator Border Patrol Agent M. Strzepek of two individuals walking northbound near his position. With the assistance of Agent Strzepek, Agent Liebe was able to locate the two individuals. Agent Liebe identified himself as a United States Border Patrol Agent and performed an immigration inspection on both individuals, including one later identified as the defendant **Victor Manuel ROJAS-ROQUE**. Both admitted to being citizens and nationals of Mexico, without any immigration documents allowing them to enter or remain in the United States. Both were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 20, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his rights as per the Miranda Warning. The defendant admits that he understood his rights and agreed to be interviewed without representation. The defendant stated that he is a citizen of Mexico and illegally present in the United States.